

The House Committee on Governmental Affairs offers the following substitute to
HB 521:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated,
2 relating to general provisions applicable to sheriffs, so as to provide that the office of sheriff
3 shall be deemed vacant if the sheriff's certification as a peace officer is revoked; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to
8 general provisions applicable to sheriffs, is amended by striking Code Section 15-16-8,
9 relating to vacancies in the office of sheriff, and inserting in lieu thereof the following:
10 "15-16-8.

11 (a) Except as otherwise provided by local law, vacancies in the office of sheriff shall be
12 filled and the proceedings thereafter shall be as in cases of vacancies in the office of clerk
13 of the superior court, subject to the exception provided in subsection (b) of this Code
14 section.

15 (b) In case there is a failure to appoint, as set forth in Code Section 15-6-54, the coroner
16 of the county shall act as sheriff. If there is no coroner, the sheriff of any adjoining county
17 is authorized to act as sheriff until the judge of the probate court makes the appointment
18 or an election is held.

19 (c) ~~Reserved.~~ Notwithstanding the provisions of Code Section 45-5-1, the office of sheriff
20 shall by operation of law be deemed vacant upon certification by the Georgia Peace Officer
21 Standards and Training Council to the judge of the probate court of the county that the
22 certification required to be a peace officer has been revoked for the sheriff of said county.
23 Such vacancy shall be filled as provided in this Code section.

24 ~~(d) Notwithstanding the provisions of Code Section 45-5-1, the office of sheriff shall by~~
25 ~~operation of law be deemed vacated upon certification being made by the Georgia Peace~~
26 ~~Officer Standards and Training Council to the judge of the probate court of such county~~

1 ~~that a newly elected sheriff who is not a registered or certified peace officer at the time of~~
2 ~~taking office has failed to become a certified peace officer within the required time and~~
3 ~~pursuant to the provisions of subparagraph (c)(1)(J) of Code Section 15-16-1. Such~~
4 ~~vacancy shall be filled as provided in this Code section."~~

5 **SECTION 2.**

6 All laws and parts of laws in conflict with this Act are repealed.